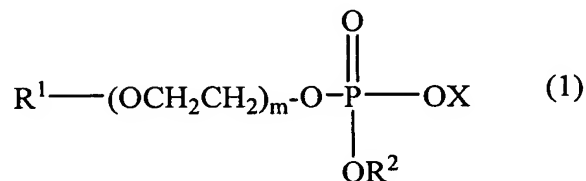


IN THE CLAIMS

Please amend the claims as follows:

Claim 1 (currently amended): A detergent composition comprising:

(A) from 10 to 60 wt.% of at least one phosphate ester or a salt thereof represented by the following formula (1):



where  $\text{R}^1$  represents a linear or branched hydrocarbon group having 8 to 18 carbon atoms,  $m$  stands for a number of from 0 to 10 on weight average,  $\text{X}$  represents a hydrogen atom, an alkali metal atom, ammonium, a basic amino acid residual group, or an alkanolamino group having a hydroxyalkyl group of 2 to 3 carbon atoms, and  $\text{R}^2$  represents  $\text{---}(\text{CH}_2\text{---CH}_2\text{O})_m\text{---R}^1$  or  $\text{X}$ , or a mixture thereof, and

(B) at least one glyceryl ether having an alkyl or alkenyl group of 4 to 12 carbon atoms.

Claim 2 (Original): The composition according to claim 1, wherein said glyceryl ether, the component (B), is a linear or branched alkyl monoether.

Claim 3 (Original): The composition according to claim 1 or 2, wherein said glyceryl ether, the component (B), is a monoether having an alkyl group of 6 to 10 carbon atoms.

Claim 4 (currently amended): The composition according to ~~claim 1, 2 or 3~~ claim 1 or 2, wherein the monoester in said phosphate ester as the component (A) amounts to at least 65 wt.% based on a total amount of the monoester and diester.

Claim 5 (currently amended): The composition according to ~~any one of claims 1-4~~ claim 1 or 2, wherein in said phosphate ester as the component (A), R<sup>1</sup> in the formula (1) is a linear or branched hydrocarbon group having 8 to 15 carbon atoms.

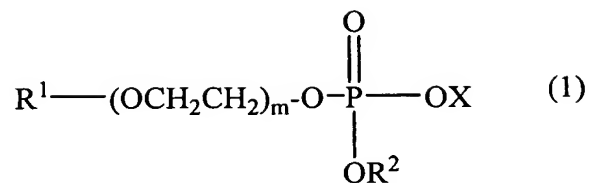
Claim 6 (currently amended): The composition according to ~~any one of claims 1-5~~ claim 1 or 2, wherein the phosphate ester as the component (A) is a phosphate ester having an  $\alpha$ -branched alkyl group.

Claim 7 (Canceled).

Claim 8 (currently amended): The composition according to ~~any one of claims 1-7~~ claim 1 or 2, wherein the content of said component (B) is from 0.1 to 30 wt. % based on the whole composition.

Claim 9 (currently amended): Use of the detergent composition according to ~~any one of claim 1-8~~ claim 1 or 2 as a detergent for personal washing.

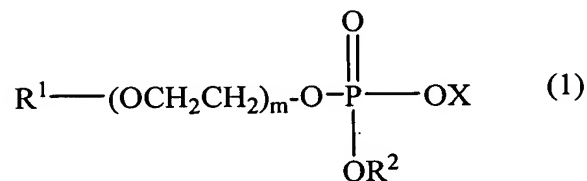
Claim 10 (Original): A method for enhancing foamability which comprises adding at least one glyceryl ether having an alkyl or alkenyl group of 4 to 12 carbon atoms to a detergent composition comprising at least one phosphate ester or a salt thereof represented by the following formula (1):



where  $\text{R}^1$  represents a linear or branched hydrocarbon group having 8 to 18 carbon atoms,  $m$  stands for a number of from 0 to 10 on weight average,  $\text{X}$  represents a hydrogen atom, an alkali metal atom, ammonium, a basic amino acid residual group, or an alkanolamino group having a hydroxyalkyl group of 2 to 3 carbon atoms, and  $\text{R}^2$  represents  $\text{---}(\text{CH}_2\text{---CH}_2\text{O})_m\text{---R}^1$  or  $\text{X}$ , or a mixture thereof.

Claim 11 (new): A method for washing a person which comprises to a person a detergent composition comprising:

(A) at least one phosphate ester or a salt thereof represented by the following formula (1):



where  $\text{R}^1$  represents a linear or branched hydrocarbon group having 8 to 18 carbon atoms,  $m$  stands for a number of from 0 to 10 on weight average,  $\text{X}$  represents a hydrogen atom, an alkali metal atom, ammonium, a basic amino acid residual group, or an alkanolamino group

Application No. 10/088,500  
Reply to Office Action of May 13, 2004

having a hydroxyalkyl group of 2 to 3 carbon atoms, and  $R^2$  represents  $-(CH_2-CH_2O)_m-R^1$  or

X, or a mixture thereof and

(B) at least one glyceryl ether having an alkyl or alkenyl group of 4 to 12 carbon atoms.

### SUPPORT FOR THE AMENDMENT

Support for the amendment to Claim 1 is found on page 5, lines 17-20 of the specification. Support for Claim 11 is found in Claim 1 as originally presented and on page 12, lines 6-11 of the specification. No new matter will be added to this application by entry of this amendment.

Upon entry of this amendment, Claims 1-6 and 8-11 will now be active in this application.

### REQUEST FOR RECONSIDERATION

The present invention is directed to a detergent composition, a method of enhancing foamability of a detergent composition and a method of washing.

Applicants wish to thank Examiner Delcotto for the helpful and courteous discussion held with their U.S. representative on June 16, 2004. At that time, Applicants' U.S. representative argued that a detergent composition comprising 10-60 wt% of a phosphate ester or salt was not disclosed or suggested in the cited prior art of record. The following is intended to expand upon the discussion with the Examiner.

Detergent compositions such as shampoos are required to provide high detergency and low skin irritations, preferably exhibiting good foaming performance. Sulfate salt-type surfactants typically possess good foaming performance, however can exhibit skin irritation. Phosphate ester type surfactants typically have poor foamability characteristics although are generally low in skin irritation. Detergent compositions having good detergent properties, low skin irritation and good foamability are sought.

The present invention addresses this problem by providing a detergent composition comprising 10-60 wt% of at least one phosphate ester and at least one glycerol ether having an alkyl or alkenyl group of 4-12 carbon atoms. Applicants have discovered that such

compositions can provide for good detergency, low skin irritation and good foamability in a detergent composition. Applicants have also discovered that the foamability of a phosphate ester containing detergent composition may be enhanced by addition of at least one glycerly ether having 4 to 12 carbon atoms. Such a composition is nowhere disclosed or suggested in the prior art of record.

Claims 1-6 and 8-9.

This embodiment of the present invention is directed to a detergent composition and a method of using same.

The rejection of Claims 1-3 and 10 under 35 U.S.C. § 102(b) and in the alternative under 35 U.S.C. § 103(a) over EP 474,023 and of Claims 1-3 and 10 under 35 U.S.C. § 103(a) over EP 245,756 are respectfully traversed.

None of the cited prior art of record discloses or suggests a composition comprising 10-60 wt% of at least one phosphate ester.

EP '023 describes an emulsion-type aqueous cosmetic composition which may contain a phosphate ester emulsifying agent in amounts ranging from 0.1-5 wt%, preferably 1-3 wt% (page 4, lines 21-44). The reference no way discloses or suggests a detergent composition comprising 10-60 wt% of at least one phosphate ester.

In contrast, the present invention is directed to a detergent comprising 10-60 wt% of at least one phosphate ester. Applicants note, that the claims have been amended to recite an amount of phosphate ester of from 10-60 wt%. As the cited reference fails to disclose or suggest an amount of phosphate ester of from 10-60 wt%, the claimed subject matter is both novel and not obvious from this reference and accordingly withdrawal of the rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) are respectfully requested.

It would not have been obvious to include an amount of phosphate ester of 10-60 wt% as the reference describes that the phosphate ester is present as an emulsifying agent

suggesting amounts of only 0.5-5 wt%, amounts well below the claimed 10-60 wt% range.

As such, the claimed invention is clearly not rendered obvious from the reference and accordingly withdrawal of the rejection under 35 U.S.C. § 103(a) is respectfully requested.

The rejection of Claims 1-3 and 10 under 35 U.S.C. § 103(a) over EP 245,756 is respectfully traversed.

A detergent composition comprising a phosphate ester as claimed is nowhere disclosed or suggested in this reference.

EP '756 describes an oil-in-water emulsion composition comprising a basic amino acid salt of a higher aliphatic phosphate. The amount of component (a) is from 0.01-5 wt%, more particularly 0.03-3 wt% (page 3, lines 39-41). As such there is no motivation to provide a detergent composition comprising 10-60 wt% of at least one phosphate ester. Accordingly, the claimed invention would not have been obvious from this reference and accordingly withdrawal of the rejection under 35 U.S.C. § 103(a) is respectfully requested.

Claim 10:

This embodiment of the present invention is directed to a method for enhancing foamability of a detergent composition comprising a phosphate ester comprising adding at least one glycerol ether.

None of the cited art of record discloses or suggests a detergent composition nor the addition of a glycerol ether to enhance the foamability thereof.

As previously discussed, neither EP '023 nor EP '756 are directed to a detergent composition comprising a phosphate ester. In each case, the references are directed to cosmetic compositions formulated to provide a moisturizing and skin softening effect (page 2, lines 11-15 of EP '023 and page 2, lines 6-11 of EP '756. As such, neither reference discloses or suggests a detergent composition and accordingly a method of enhancing the

foamability of a detergent composition by adding a glycerol ether is nowhere disclosed or suggested in this reference. For this reason, Claim 10 is clearly neither anticipated nor rendered obvious from the cited references and accordingly withdrawal of the rejections under 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) is respectfully requested.

Claim 11:

This embodiment of the present invention is directed to a method for washing a person comprising applying a detergent composition comprising a phosphate ester and at least one glycerol ether.

As discussed above, the cited references describe skin softening compositions and in no way disclose or suggest a method of washing a person.

In contrast, Claim 11, is directed to a method of washing a person which comprises applying to a person, the detergent composition comprising at least one phosphate ester and at least one glycerol ether. As the cited references fail to disclose or suggest a method of washing a person, Claim 11 is clearly not anticipated nor made obvious from these references.

Applicants have now amended claims 4-6 and 8-9 to address the assertion that these claims are improperly multiply dependent. Full consideration on the merits of these claims is respectfully requested.



Application No. 10/088,500  
Reply to Office Action of May 13, 2004

Applicants submit this application is now in condition for allowance and early  
notification of such action is earnestly solicited.

Respectfully submitted,

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MAIER & NEUSTADT, P.C.  
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